



50 North Ripley Street  
Montgomery, Alabama 36132  
For Information Call 334-242-1170

### SELLER'S CERTIFICATE OF EXEMPTION

Seller's Name (and Spouse's Name, if jointly owned)

Seller's Identification Number (SSN or FEIN) \*

Spouse's Identification Number (if jointly owned) \*

Street Address

City

State

Zip

### INSTRUCTIONS

This form is provided for the convenience of the seller and the protection of the buyer, to be executed in sales or transfers of real property by nonresidents when the seller is exempt from the withholding requirements imposed by the Alabama Department of Revenue pursuant to Section 40-18-86, *Code of Alabama 1975*. This form is not required to be used or submitted to the Department, but the seller may wish to execute this form or a similar document to protect all parties to the transaction. (\*For privacy and confidentiality purposes, the SSN or FEIN of the seller and of the buyer may be omitted or deleted from copies of all documents exchanged between the parties involved. However, all documents required to be submitted to the Alabama Department of Revenue must contain the complete SSN or FEIN information on the original copy mailed to the Department.) The buyer may rely on the seller's affidavit unless the buyer knows or should know, based on the buyer's knowledge at the time of closing, that statements made on the affidavit are false. The buyer has no duty to investigate the statements made on a seller's affidavit. To execute this form, the seller is to initial any statement which applies. If any one of the statements below applies to the seller, the transaction is exempt.

This is to certify that the seller of this property is not a resident of Alabama, but is exempt from the withholding provisions of the Alabama Department of Revenue Section 40-18-86 by virtue of the following:

\_\_\_\_\_ The property being sold is the seller's principal residence within the meaning of Section 121 of the Internal Revenue Code.

\_\_\_\_\_ The seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.

\_\_\_\_\_ The seller or buyer is a subdivision, agency or authority of the United States of America or the State of Alabama.

\_\_\_\_\_ The seller or buyer is the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation.

\_\_\_\_\_ The seller or buyer is a private mortgage insurance company.

\_\_\_\_\_ The purchase price of the property is less than \$800,000.00, for property sold prior to January 1, 2009.

\_\_\_\_\_ The seller is an S corporation or a partnership subject to withholding under Section 40-18-86, and an Alabama composite return will be filed on behalf of the nonresident shareholders, members, or partners.

\_\_\_\_\_ The seller is a tax exempt organization, and the income from this sale is not subject to Alabama income tax.

\_\_\_\_\_ The seller is an insurance company which pays to Alabama a tax on its premium income.

\_\_\_\_\_ The transaction is a non-recognition transaction such as a like kind exchange where gain is realized by the seller but completely not recognized for Alabama income tax purposes. A deferred Section 1031 exchange will qualify for this exemption **only** if the seller agrees for the qualified intermediary to remit withholding due in the event that monies remain after the deferral period.

\_\_\_\_\_ The transaction is a transfer of a limited interest in real property, including easements, rights of way, mortgages or other instruments that secure indebtedness, or leases (not including capital leases).

Under penalties of perjury, I swear that the above information is, to the best of my knowledge and belief, true, correct, and complete.

Seller's Signature (and Title, if applicable)

Date

Spouse's Signature (and Title, if applicable)

Date

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_,

Notary public

My commission expires \_\_\_\_\_